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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN RETTA, KIRSTEN  
SCHOFIELD, and JESSICA MANIRE,  
on Behalf of All Others Similarly  
Situated

Plaintiff(s),

v.

MILLENNIUM PRODUCTS, Inc. and  
WHOLE FOODS MARKET, Inc.,

Defendants.

Case No. 2:15-CV-01801-PSG-AJW

**[PROPOSED] ORDER GRANTING  
DEFENDANT WHOLE FOODS  
MARKET, INC.'S MOTION TO  
DISMISS PLAINTIFF'S FOURTH  
AMENDED COMPLAINT**

**Date:** June 6, 2016  
**Time:** 1:30 pm  
**Location:** Courtroom 880  
255 East Temple Street  
Los Angeles, CA 90012  
**Judge:** Hon. Philip S. Gutierrez

On June 6, 2016, Defendant Whole Foods Market, Inc.'s Motion to Dismiss Plaintiff's Fourth Amended Complaint, brought pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), came on regularly for hearing before the Court, the Honorable Philip S. Gutierrez presiding. Having considered Defendant's Motion and all other supporting and opposing arguments and papers, and good cause appearing:

**IT IS HEREBY ORDERED** that Defendant Whole Foods Market, Inc.'s Motion is GRANTED as follows:

9       1. Plaintiff's Fourth Amended Class Action Complaint is dismissed with  
10      prejudice as it concerns Defendant Whole Foods Market, Inc. for the  
11      following reasons:

12           a. The Court does not have personal jurisdiction over Defendant  
13           Whole Foods Market, Inc.; and  
14           b. Plaintiffs fail to sufficiently allege Defendant Whole Foods  
15           Market, Inc.'s involvement in and control over the alleged  
16           misconduct.

18 || IT IS SO ORDERED.

20 || Dated:

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THE HONORABLE PHILIP S. GUTIERREZ  
UNITED STATES DISTRICT JUDGE

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